

1 Carlene McPhillip  
2 3501 Blackhorse Pk #530-1026  
3 Turnersville, NJ 08012  
4 *Pro Se Plaintiff*

5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE DISTRICT OF NEW JERSEY**

7 CARLENE MCPHILLIP,

8 Plaintiff

9 vs.

10 KATHLEEN M. MAGOON; NATIONSTAR  
11 MORTGAGE, LLC d/b/a MR COOPER; and ALLIED  
12 FIRST BANK, SB d/b/a SERVBANK,

13 Defendants.

**MOTION FOR LEAVE OF  
COURT TO FILE SECOND  
AMENDED COMPLAINT  
FOR DAMAGES**

Civil Action No.:

1:23-cv-02663-RMB-EAP

14 **COMES NOW** the Plaintiff, CARLENE MCPHILLIP, (hereinafter referred to as  
15 “Plaintiff”), who, via *Pro Se* submission, and pursuant to Fed. R. Civ. P. 15, who hereby files her  
16 Motion for Leave of Court to File Second Amended Complaint for Damages and Demand for Jury  
17 Trial, and in support thereof, states the following:

- 18 1. On May 17, 2023, Plaintiff filed the instant action. **Doc. No. 1.**
- 19 2. On June 28, 2023, Plaintiff filed her First Amended Complaint. **Doc. No. 14.**
- 20 3. This is Plaintiff’s first request for leave to amend.
- 21 4. Rule 15(a)(2) requires either the opposing party's consent or the court's leave to amend the  
22 pleadings. Fed R. Civ. P. 15(a)(2).
- 23 5. The standard to grant a motion for leave is liberal, as Rule 15(a)(2) reads, "the court should  
24 freely give leave when justice so requires." *Id.*; see also *Foman v. Davis*, 371 U.S. 178,

1 182, 83 S.Ct. 227, 9 L.Ed.2d 222 (1962) ("[T]his mandate is to be heeded."). Generally,  
2 there is a presumption in allowing the moving party to amend its pleadings. See *Del Sontro*  
3 *v. Cendant Corp.*, 223 F. Supp. 2d 563, 576 (D.N.J. 2002).

- 4 6. This motion is not made for the purposes of harassment or delay.
- 5 7. A proposed Second Amended Complaint for Damages and Demand for Jury Trial is filed
- 6 contemporaneously with this motion.
- 7 8. As required by the Local Rules, a proposed Order is also filed contemporaneously with this
- 8 motion.
- 9

10 **WHEREFORE**, Plaintiff requests that this Honorable Court enter an order granting

11 Plaintiff leave of court to file the attached Second Amended Complaint for Damages and

12 Demand for Jury Trial; deem the attached Second Amended Complaint for Damages and

13 Demand for Jury Trial filed and served as of the date of such order; and award Plaintiff

14 any other relief deemed just and proper.

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17 Dated: September 5, 2023.

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Respectfully submitted,

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20 By: /s/ Carlene McPhillip  
Carlene McPhillip  
3501 Blackhorse Pk #530-1026  
Turnersville, NJ 08012  
Email: kfordays@yahoo.com  
21 *Pro Se Plaintiff*

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via US Mail to the parties listed below on this 5th day of September, 2023.

By: /s/ Carlene McPhillip  
Carlene McPhillip  
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*Pro Se Plaintiff*

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*Pro se, Defendant*

The Honorable Robert G. Malestein  
19 N. Broad Street, Courtroom 203  
Woodbury, NJ 08096  
*Defendant*